

No. **CR - 09 00453 RMW**

HRL

FILED

UNITED STATES DISTRICT COURT

2009 APR 24 PM 12:52

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

E-filing

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

PETER FRANKLIN KLEIN

INDICTMENT

COUNTS ONE-ELEVEN:

18 U.S.C. §§ 2113(a) and (d) - Armed Bank
Robbery

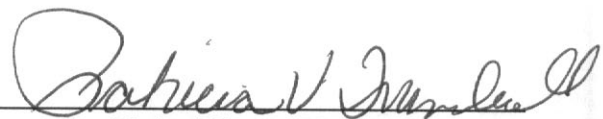
A true bill.



Foreperson

C. 100m
Filed in open court this 29th day of April

A.D. 2009



United States Magistrate Judge

Bail. \$ no bail arrest warrant

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

FILED

2009 APR 29 P 12:53

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RMW

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER FRANKLIN KLEIN,

Defendant.

CR - 09 00453

HRL

VIOLATIONS: 18 U.S.C. §§ 2113(a) and
(d) – Armed Bank Robbery (Eleven Counts);
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. §
2461(c) – Forfeiture Allegation

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

On or about March 27, 2009, in the Northern District of California, the defendant,

PETER FRANKLIN KLEIN,

did, by force, violence, and intimidation, take from the persons and presence of employees of Chase Bank, located at 1177 First Street, in Gilroy, California, approximately \$35,236.00 in United States currency, belonging to and in the care, custody, control, management, and possession of that bank, the funds of which were then insured by the Federal Deposit Insurance Corporation. It is further alleged that during the commission of this offense, the defendant intentionally made a display of force that reasonably caused a person to fear bodily harm by using

INDICTMENT
United States v. Klein

1 a dangerous weapon and device, to wit, a replica firearm, all in violation of Title 18, United
2 States Code, Sections 2113(a) and (d).

3 COUNT TWO: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

4 On or about January 15, 2009, in the Northern District of California, the defendant,
5 PETER FRANKLIN KLEIN,
6 did, by force, violence, and intimidation, take from the persons and presence of employees of
7 Comerica Bank, located at 13000 Saratoga Sunnyvale Road, in Saratoga, California,
8 approximately \$63,393.00 in United States currency, belonging to and in the care, custody,
9 control, management, and possession of that bank, the funds of which were then insured by the
10 Federal Deposit Insurance Corporation. It is further alleged that during the commission of this
11 offense, the defendant intentionally made a display of force that reasonably caused a person to
12 fear bodily harm by using a dangerous weapon and device, to wit, a replica firearm, all in
13 violation of Title 18, United States Code, Sections 2113(a) and (d).

14 COUNT THREE: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

15 On or about December 3, 2008, in the Northern District of California, the defendant,
16 PETER FRANKLIN KLEIN,
17 did, by force, violence, and intimidation, take from the persons and presence of employees of
18 Comerica Bank, located at 7915 San Miguel Canyon Road, in Prunedale, California,
19 approximately \$55,994.00 in United States currency, belonging to and in the care, custody,
20 control, management, and possession of that bank, the funds of which were then insured by the
21 Federal Deposit Insurance Corporation. It is further alleged that during the commission of this
22 offense, the defendant intentionally made a display of force that reasonably caused a person to
23 fear bodily harm by using a dangerous weapon and device, to wit, a replica firearm, all in
24 violation of Title 18, United States Code, Sections 2113(a) and (d).

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1 COUNT FOUR: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

2 On or about October 29, 2008, in the Northern District of California, the defendant,
3 PETER FRANKLIN KLEIN,
4 did, by force, violence, and intimidation, take from the persons and presence of employees of
5 Wachovia Bank, located at 100 Kings Village Road, in Scotts Valley, California, approximately
6 \$15,789.00 in United States currency, belonging to and in the care, custody, control,
7 management, and possession of that bank, the funds of which were then insured by the Federal
8 Deposit Insurance Corporation. It is further alleged that during the commission of this offense,
9 the defendant intentionally made a display of force that reasonably caused a person to fear bodily
10 harm by using a dangerous weapon and device, to wit, a replica firearm, all in violation of Title
11 18, United States Code, Sections 2113(a) and (d).

12 COUNT FIVE: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

13 On or about June 11, 2008, in the Northern District of California, the defendant,
14 PETER FRANKLIN KLEIN,
15 did, by force, violence, and intimidation, take from the persons and presence of employees of
16 Union Bank of California, located at 601 Bay Avenue, Capitola, California, approximately
17 \$131,265.00 in United States currency, belonging to and in the care, custody, control,
18 management, and possession of that bank, the funds of which were then insured by the Federal
19 Deposit Insurance Corporation. It is further alleged that during the commission of this offense,
20 the defendant intentionally made a display of force that reasonably caused a person to fear bodily
21 harm by using a dangerous weapon and device, to wit, a replica firearm, all in violation of Title
22 18, United States Code, Sections 2113(a) and (d).

23 COUNT SIX: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

24 On or about May 23, 2008, in the Northern District of California, the defendant,
25 PETER FRANKLIN KLEIN,
26 did, by force, violence, and intimidation, take from the persons and presence of employees of
27 Bank of the West, located at 7865 Monterey Street, in Gilroy, California, approximately
28 \$15,851.00 in United States currency, belonging to and in the care, custody, control,

1 management, and possession of that bank, the funds of which were then insured by the Federal
2 Deposit Insurance Corporation. It is further alleged that during the commission of this offense,
3 the defendant intentionally made a display of force that reasonably caused a person to fear bodily
4 harm by using a dangerous weapon and device, to wit, a replica firearm, all in violation of Title
5 18, United States Code, Sections 2113(a) and (d).

6 COUNT SEVEN: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

7 On or about March 14, 2008, in the Northern District of California, the defendant,
8 PETER FRANKLIN KLEIN,
9 did, by force, violence, and intimidation, take from the persons and presence of employees of
10 Bank of the West, located at 7865 Monterey Street, in Gilroy, California, approximately
11 \$25,326.00 in United States currency, belonging to and in the care, custody, control,
12 management, and possession of that bank, the funds of which were then insured by the Federal
13 Deposit Insurance Corporation. It is further alleged that during the commission of this offense,
14 the defendant intentionally made a display of force that reasonably caused a person to fear bodily
15 harm by using a dangerous weapon and device, to wit, a replica firearm, all in violation of Title
16 18, United States Code, Sections 2113(a) and (d).

17 COUNT EIGHT: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

18 On or about March 7, 2008, in the Northern District of California, the defendant,
19 PETER FRANKLIN KLEIN,
20 did, by force, violence, and intimidation, take from the persons and presence of employees of
21 Washington Mutual Bank, located at 7851 Soquel Drive, in Aptos, California, approximately
22 \$10,196.00 in United States currency, belonging to and in the care, custody, control,
23 management, and possession of that bank, the funds of which were then insured by the Federal
24 Deposit Insurance Corporation. It is further alleged that during the commission of this offense,
25 the defendant intentionally made a display of force that reasonably caused a person to fear bodily
26 harm by using a dangerous weapon and device, to wit, a replica firearm, all in violation of Title
27 18, United States Code, Sections 2113(a) and (d).

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1 COUNT NINE: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

2 On or about December 19, 2007, in the Northern District of California, the defendant,
3 PETER FRANKLIN KLEIN,
4 did, by force, violence, and intimidation, take from the persons and presence of employees of
5 Wells Fargo Bank, located at 16100 Los Gatos Boulevard, in Los Gatos, California,
6 approximately \$29,108.00 in United States currency, belonging to and in the care, custody,
7 control, management, and possession of that bank, the funds of which were then insured by the
8 Federal Deposit Insurance Corporation. It is further alleged that during the commission of this
9 offense, the defendant intentionally made a display of force that reasonably caused a person to
10 fear bodily harm by using a dangerous weapon and device, to wit, a replica firearm, all in
11 violation of Title 18, United States Code, Sections 2113(a) and (d).

12 COUNT TEN: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

13 On or about December 11, 2007, in the Northern District of California, the defendant,
14 PETER FRANKLIN KLEIN,
15 did, by force, violence, and intimidation, take from the persons and presence of employees of
16 Comerica Bank, located at 13000 Saratoga Sunnyvale Road, in Saratoga, California,
17 approximately \$6,941.00 in United States currency, belonging to and in the care, custody,
18 control, management, and possession of that bank, the funds of which were then insured by the
19 Federal Deposit Insurance Corporation. It is further alleged that during the commission of this
20 offense, the defendant intentionally made a display of force that reasonably caused a person to
21 fear bodily harm by using a dangerous weapon and device, to wit, a replica firearm, all in
22 violation of Title 18, United States Code, Sections 2113(a) and (d).

23 COUNT ELEVEN: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

24 On or about December 5, 2007, in the Northern District of California, the defendant,
25 PETER FRANKLIN KLEIN,
26 did, by force, violence, and intimidation, take from the persons and presence of employees of
27 Union Bank of California, located at 805 First Street, in Gilroy, California, approximately
28 \$3,633.00 in United States currency, belonging to and in the care, custody, control, management,
and possession of that bank, the funds of which were then insured by the Federal Deposit

INDICTMENT

United States v. Klein

Insurance Corporation. It is further alleged that during the commission of this offense, the defendant intentionally made a display of force that reasonably caused a person to fear bodily harm by using a dangerous weapon and device, to wit, a replica firearm, all in violation of Title 18, United States Code, Sections 2113(a) and (d).

FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

The allegations of Counts One through Eleven of this Indictment are re-alleged and incorporated as if fully set forth herein. Upon a conviction of the offenses alleged in Counts One through Eleven above, the defendant,

PETER FRANKLIN KLEIN,

shall forfeit to the United States, all property (real and personal) which constitutes proceeds and is derived from proceeds traceable to said offenses, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

If, as a result of any act or omission of the defendant, any of said property:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to or deposited with, a third person;
- a. has been placed beyond the jurisdiction of the Court;
- b. has been substantially diminished in value; or
- c. has been commingled with other property which, without difficulty cannot be subdivided;

any and all interest defendant has in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States, pursuant to 21 U.S.C. § 853(a)(1) and (p) (as incorporated by Title 28, United States Code, Section 2461(c)).

DATED: April 29, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

MATTHEW A. PARRELLA
Chief, San Jose Branch

A TRUE BILL.

FOREPERSON

(Approved as to form: Daniel R. Kaleba)
AUSA DANIEL R. KALEBA

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Counts One-Eleven: 18 U.S.C. §§ 2113(a) and
 (d) - Armed Bank Robbery

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:
 For each count: 25 yrs imprisonment; \$250,000 fine; 5 years
 supervised release; \$100 special assessment fee
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Mark Dixon, FBI

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

AUSA DANIEL KALEBA

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

APR 29 P 12:53

PETER FRANKLIN KLEIN

 DISTRICT COURT NUMBER
 RICHARD W. WIERING
 CLERK
 U.S. DISTRICT COURT
 NO. DIST. OF CA. S.J.

RMW

 CR-09-00453
 DEFENDANT
 IS NOT IN CUSTODY

HRL

 1) ☐ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

 6) ☒ Awaiting trial on other
 charges

☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

Santa Clara County Jail

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

 DATE OF
 ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

 DATE TRANSFERRED
 TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
PROCESS:**ADDITIONAL INFORMATION OR COMMENTS**
☐ SUMMONS ☐ NO PROCESS*
☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: